

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. 5481 of 2005

Decided on 21.09.2006

Jatinder Kumar Bhandari

.....Petitioner

versus

Jalandhar Improvement Trust & another

.....Respondents

Coram: Hon'ble Mr. Justice Vinod K. Sharma

Present: Mr.R.S.Bajaj, Advocate,
for the petitioner.

Mr. Sandeep Khunger, Advocate,
for the respondents.

Vinod K. Sharma, J.(oral)

The present revision petition has been filed against the impugned order passed by learned trial Court on 5.10.2005, whereby application filed by the petitioner herein for closing the evidence of the defendant-respondents has been dismissed.

Learned counsel for the petitioner contends that vide order dated 19.5.2005, while allowing Civil Revision No. 2753 of 2005, this Court had granted only one opportunity to the defendant-respondents to complete their entire evidence. It is not in dispute that on the date fixed, the defendants tendered affidavit of Sh. R.L.Bhagat and on the request of the petitioner herein, the case was adjourned to 9.9.2005 for cross-examination. On the said date, Sh. R.L.Bhagat was not well and the case was adjourned to 27.9.2005 with a clear direction that no further opportunity would be given. Instead of cross examining Sh. R.L.Bhagat, the petitioner sought adjournment of the case on the ground that the revision petition is being moved against the impugned order and thereafter, till date the petitioner has not cross-examined Sh. R.L.Bhagat as in the revision petition, further proceedings were ordered to be stayed. Learned

counsel for the petitioner contends that this Court had given only one opportunity to the defendant-respondents and, therefore, it was not open to the Court to adjourn the case on a subsequent date for cross-examination of his witness and the Court was bound to close their evidence.

I have considered the arguments of the learned counsel for the petitioner and do not find any force in the same. This Court had granted one opportunity and the same has been availed by the defendant-respondents by producing one witness, who tendered his affidavit. It was at the request of the petitioner that the case was adjourned for the cross-examination. On the adjourned date, Sh. R.L.Bhagat was not well. There was nothing wrong in granting another date for cross-examination of the witness already produced by the defendant-respondents. The defendant-respondents had not sought the date to produce any other witness on a subsequent date nor any other opportunity has been granted by the Court. The learned trial Court was right in dismissing the application moved by the petitioner.

No merit.

Dismissed.

September 21, 2006
pj

(VINOD K. SHARMA)
JUDGE

